

**RESOLUTION TO APPROVE THE SETTLEMENT AND RELEASE AGREEMENT BETWEEN THE CITY OF GREENSBORO AND LEVEL 3 COMMUNICATIONS IN THE AMOUNT OF \$255,674.50 FOR LEVEL 3'S INSTALLATIONS IN THE CITY'S RIGHTS-OF-WAY AND APPROVE LEVEL 3'S FRANCHISE AND FRANCHISE FEES.**

WHEREAS, Level 3 and the City of Greensboro entered into a Franchise Agreement dated April 18, 2000, and subsequently, Level 3 purchased various affiliates: WiTel Communications, LLC, TelCove Operations, LLC, and tw telecom of north carolina l.p (tw). Each affiliate entered valid Franchise Agreements with the City prior to being purchased by Level 3.

WHEREAS, a dispute arose between the City and Level 3 regarding the franchise fees and other charges for which the City invoiced the Affiliates under the Affiliate Franchise Agreements.

WHEREAS, Level 3 has authority to act on behalf of all Affiliates to resolve the dispute over the past-due franchise fees.

WHEREAS, the City and Level 3 agree that Level 3 shall pay the City the amount of \$255,674.50 for the past-due fees, and that Level 3 will pay a yearly franchise fee to the City based on Level 3's total linear foot occupation of the City's rights-of-way.

WHEREAS, the settlement amount of \$255,674.50 consists of \$55,674.50, which represents amounts owed by Level 3 for the Franchise Fees for the 2014-2015 fiscal year, and \$200,000 which represents past Franchise Fees owed by tw.

WHEREAS, for franchise fees, Level 3 will renew its franchise agreement with the City and will pay a per linear foot fee based on Level 3's linear footage in the City's rights-of-way. Currently, Level 3 has 98,450 linear feet of installations in the City rights-of-way and the corresponding fee will be \$29,535.00.

WHEREAS, Level 3 will complete its payment for the 2015-2016 fiscal year by paying \$8,249.68. Then, Level 3 will prepay the 2016-2017 fee by paying \$29,535.00. Thereafter, Level 3 will pay annual fees based on Level 3's linear footage in the City's rights-of-way, which is projected to be \$29,535.00 per year.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:**

City Council approves the Settlement and Release Agreement between the City and Level 3 Communications and approves the Level 3 franchise and franchise fees.